

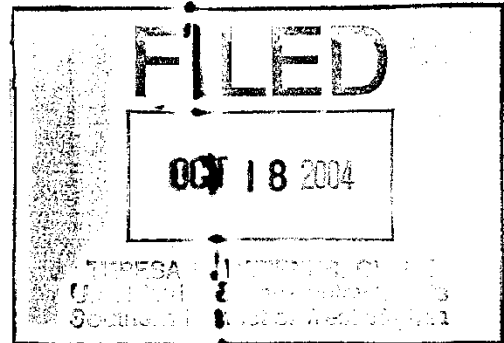
1331 Form

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A COMPLAINT
UNDER 28 U.S.C. § 1331

In the United States District Court
For the SOUTHERN DISTRICT OF WEST VIRGINIA

VICTOR CALDERON

(Enter above the full name of the
plaintiff or plaintiffs in this
action)



v.

WARDEN MARTY ANDERSON, SUE ENGLES,

J. KIRKLAND, D. McLAIN, CANTERBERRY,

ORMOND, KOBY, BLANKENSHIP,

KIM WHITE, & HARRELL WATTS

(Enter the full name above of the
defendant or defendants in this
action).

I. Place of Present Confinement FCI BECKLEY, P.O. BOX 350, Beaver, WV

II. Previous Lawsuits

A. Have you begun other lawsuits dealing with the same facts involved
in this action or otherwise relating to your imprisonment?

Yes _____ No x

B. If your answer to A is yes, describe each lawsuit in the space
below. (If there is more than one lawsuit, describe the additional
lawsuits on another piece of paper, using the same outline).

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

VICTOR CALDERON

Plaintiff,

V.

WARDEN MARTY ANDERSON ET.AL

Defendant (s).

*

*

CIVIL NO. _____

*

*

*

*

*

PETITION PURSUANT TO 28 U.S.C.
SECTION 1331

PETITIONER FILED IN THIS HONORABLE COURT FOR THE
UNITED STATES DISTRICT COURT, FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

BY PLAINTIFF: Victor Calderon #10246-067

Federal Correction Institution-Beckley

P.O. Box 350

Beaver, WV 25813

III. In order to proceed in federal court you must ordinarily fully exhaust your administrative remedies as to each ground on which you request action by the federal court.

A. Did you fully exhaust, including appeals, your administrative remedies pursuant to the Bureau of Prisons Policy Statement 1330.07? Yes x No

B. If your answer to A is yes,

1. What steps did you take? I file 8 $\frac{1}{2}$, 9, 10, & 11 Adm. Remdy request

2. What was the result? My request was ignored and denied!

c. If your answer to A is no, why not ?

IV. Parties

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of plaintiff Victor Calderon #10246-067

FCI-Beckley, P.O. Box 350

Beaver, WV 25813

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank. Use Item C for the names, positions, and place of employment of any additional defendants).

B. Defendant Marty Anderson is employed as Warden

at FCI-Beckley

All other Defendants are employed by BOP and can be served summons

at FCI-Beckley, P.O. Box 350, Beaver, WV. 25813

C. Additional Defendants

Kim White is Mid Atlantic Region

Director at 10010 Junction Drive, Suite 100N, Annapolis, MD 20701

Harrell Watts is National Adm. Remedy Coordinator at National
office, 320 First Street N.W., Washington, D.C. 20534

V. Cause of Action

(List hereunder the different causes of action that are the grounds for the prosecution of this law suit.)

1. Deliberate Indifference to medical needs
2. Racial Discrimination
- 3.

VI. Grounds for relief

(Hereunder set out the factual allegations that you consider as establishing a basis for your requested relief under the specific cause/s of action/s.) (If additional space is necessary. include as attachments.)

1.
Please see attachment
- 2.
- 3.
- 4.

VII. Relief sought

(Hereunder itemize the specific relief you exact to obtain on the prosecution of this law suit.)

1. Please see attachment
- 2.

Wherefore, your Plaintiff respectfully requests that this Honorable Court grant the within relief sought and any other relief that this Court deems just and proper.

Signed this 29 day of Sept, 19 2004

Victor Cardenas
Federal Correctional Institution
Beckley W.V. P.O. Box 350

(Signature of plaintiff or
plaintiffs)

Executed at FCI-Beckley, Beckley, WV
(Name of Institution, City, County)

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on 9-29-04
(Date)

Victor Cardenas
Fe

(Signature of plaintiff or
plaintiffs)

Ground for relief (attachment)

STATEMENT OF CLAIM

This is a Civil Right Claim of Deliberate Indifference to MR. Calderon Serious Medical needs, as well as Racial Discrimination.

MR. Calderon is a prisoner of the Federal Bureau of Prisons. He's presently housed at FCI-Beckley under the immediated supervision and control of Defendant Warden Marty Anderson. Because of Defendant Anderson arrogant and racial hatred of Mr. Calderon, he and staff responsible to him have humiliated Mr. Calderon and denied him adequate medical attention. In fact, Mr. Calderon medical treatment has been so grossly incompetent and inadequate, as to shock the conscience. Clearly, Defendant Warden Anderson, Defendant Sue Engles, Defendnat Kim White, Defendant Harrell Watts, Defendant Ormond and Defendant Canterbury all maintain and upheld policies that interfere with adequate medical care, that they know or should have know about.

1. On or about October 21, 2003 Mr. Calderon went to Health Services to be treated by P.A. Koby. He explain to Defendant Koby that he had recently experience a heart attack, and now he was experiencing back pain and dizzyness. He further offered that he had high blood pressure and high cholesterol. Mr. Koby told Mr. Calderon that he was just a fat old man, and that he needed to stop ebbing like a pig and exercise. He further told Calderon that all you foreigners come over here, go to jail, and expect us to solve all of your medical problems. He further asked why Calderon didn't take care of his medical problems when he was in society.

2. On or about January 15, 2004, Mr. Calderon reported to Health Services for sick call to be treated by Defendant

P.A. Blankenship. Calderon told Blankenship that he was experiencing severe back pain. Defendant Blankenship instructed Calderon to remove his socks and shoes, and then instructed him to walk on the dirty and cold floor. When Calderon asked Defendant Blankenship why he was required to remove his shoes and walk on the dirty floor, Defendant Blankenship response was, "I'm sure you are use to walking bare-foot. In your country, you probably didn't get your first pair of shoes until you were eight years old. He refused to prescribe any medication for the severe pain Calderon was experiencing, and gave him the only option of purchasing some imaginary pain medication from the inmate commissary.

3. In or about January 22, 2004, Calderon reported to sick call to be treated by Defendant P.A. Blankenship. Calderon had an in-grown toe-nail and wanted it cut. He was also concern because he is a diabetic. Defendant Blankenship refuse to cut the in-grown toe-nail and further humiliated Calderon by calling him fat and telling him to get into an aerobics class, in the presence of other staff.

4. On or about January 29, 2004 Plaintiff Calderon submitted a request for Administrative Remedy to Defendant Canterbury against Defendant Koby and Blankenship for Denial of Adequate Medical Attention and degradation and humiliation. Defendant Canterbury fail to properly investigate Calderon claim and simply took the position that his co-workers did there jobs. See Exhibit (A)

5. On or about February 17, 2004, at approximately 7:30 Plaintiff Calderon was placed on Health Services call, only to be confronted by Assistant Warden Engels about a Request for Administrated Remedy he had filed agains Defendant(s) Koby and Blankenship. Defendant Engles threaten to place Calderon in the Special Housing Unit (SHU) if he didn't drop the Request for Administrated Remedy. She further promise Calderon that should he sign off on the complaint, she would arrange for him to be transferred to a low custody. Calderon had low custody points and should have been transferred to a low custody facility

anyway. When Defendant Sue Engles entered the contract in which she promise to transfer Calderon, she knew she had no intention whatsoever to transfer him, and behind Calderon back, she contact Defendant Kim White at the Region and arrange for a management-verible to be placed on Calderon, making it possible for him to be held in a custody level higher than his actual classification level.

6. On or about March 30, 2004, Plaintiff Calkeron submitted a request to Defendant Sue Engles for a copy of his January 29, 2004 Request for Administrated Remedy that he terminated as a result of the bogus agreement made by Engles. To date, Engles has failed or refused to provide Plaintiff with said copy.

7. Defendnat Ormond is the FCI-Beckley Request for Adm. Remedy Coordinator. He fail and/or refused to process Plaintiff Request for Adm. Remedy in and effort to circumvent the process. See exhibit (B)

8. Defendant J. Kirklnad is the Medical Administrator, and Plaintiff spoke with her during the month of April 2004 concerning the inadequate medical attention he was receiving. Ms. Kirkland reviewed Plaintiff Calderon medical files and took the position that because of his poor medical health, she would recommend an emergency transfer.

9. On April 20, 2004 Plaintiff submitted a kite to Defendant Kirkland, requesting a copy of her report in which she requested that Plaintiff be transferred for medical purposes. To this cate, Defendant Kirkland have refused to forward plaintiff a copy of said report.

10. On or about April 26, at approximately 7:00 am, Plaintiff arrived at Health Services complaining of shortness of breath and chest pains. Plaintiff was clearly in bad shape and had to be rushed to an outside hospital emergency room. Because of Defendant Kirkland and her staff racial hatred of Calderon,

she arranged for him to be chained from head to toe with a black box, which aggravated Calderon medical condition. Once Calderon was seen by the physician, he was told that he was threaten another heart attack, and that he needed to have an operation. Plaintiff discuss this matter with Defendant D. McLain and Defendant Kirkland, who both became belligerent and threaten not to permit an operation if it couldn't be done that same day. Plaintiff was in need of mental preperation before having another operation; however, because he did not have the operation that same day, Defendant Kirkland and McLain are now refusing to agree to the needed operation.

11. On or about May 4, 2004 at approximately 11:30 am, after speaking with Unit Manager B. Ballard concerning Plaintiff belief that he was being retaliated against and discriminated against by Health Services Staff, Defendant Waden Anderson came in the room and began yelling that he didn't have one million dollars to transport him to the Hospital and that no operation or transfer would occure.

12. Plaintiff Calderon file several Request for Administrative Remedy to Defendant Warden Anderson, to Defendant Kim White and Defendant Harrell Watts; however, his plea fell upon deaf ears. See Exhibit (C,D,E,F, & G) Despite all the warning and effort Plaintiff Calderon put forth to obtain adequate medical treatment, Defendant disregarded the excessive risk of his health. Defendant Engles and Warden Anderson became so angry with Plaintiff Calderon, they arrange for Defendant Canterbury to come to Plaintiff cell, search it, then confiscate his heart medication. Defendant Canterbury attempted to justify the retaliatory search by writing Calderon a disciplinary report for allegedly having the wrong medication in the wrong bottle. Defendants further arrange with the Unit Case manager to find Calderon guilty of the incident report and increase his custody level to prevent him from being transferred to his low custody level.

Respectfully Submitted,

Victor Calderon

Relief sought (attachment)

1. Ms. Kim White is being sued for \$250,000 in her individual and official capacity.
2. MR. Harrell Watts is being sued for \$250,000 in his individual and official capacity.
3. Warden Anderson is being sued for \$200,000 in his individual and official capacity.
4. Sue Engles is being sued for \$200,000 in her individual and official capacity.
5. J. Kirkland is being sued for \$125,000 in her individual and official capacity.
6. D. McLain is being sued for \$125,000 in his individual and official capacity.
7. Counselor Canterbury is being sued for \$100,000 in his individual and official capacity.
8. Mr. Ormond is being sued for \$150,000 in his individual and official capacity.
9. P.A. Koby is being sued for \$200,000 in his individual and official capacity.
10. P.A. Blankenship is being sued for \$200,000 in his individual and official capacity.

Wherefore, your Plaintiff respectfully requests that this Honorable Court grant the within relief sought and any other relief that this Court deems just and proper.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 13, 2004


FROM: ADMINISTRATIVE REMEDY COORDINATOR
MID-ATLANTIC REGIONAL OFFICE

TO : VICTOR CALDERON, 10246-067
BECKLEY FCI UNT: PINE QTR: P05-130L
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 339263-R1 REGIONAL APPEAL
DATE RECEIVED : JULY 9, 2004
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: SEE REMARKS.

REMARKS : WE ARE UPHOLDING THE INSTITUTION'S REJECTION.

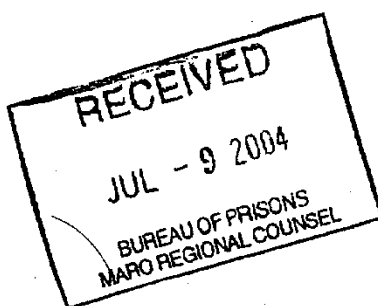
Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

Part A- INMATE REQUEST

NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND VIZ A VIZ.

SIGNATURE OF REQUESTER

Part B- RESPONSE



WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

SUBJECT: _____

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BEC-1330.13d
February 20, 2004
Attachment AREQUEST FOR ADMINISTRATIVE REMEDY
INFORMAL RESOLUTION FORM
FCI BECKLEY, WEST VIRGINIA

Exhibit A

Section 1 - To be completed by the Unit Counselor at the time inmate request Administrative Remedy.

Inmate Name: Victor CalderonRegister Number: #10246-067Assigned Unit: PINE BLDate of Request: 6-16-04

CANTERBERRY

5/4/04

Specific Complaint: Full Investigation of retaliatory behavior.

Informal Resolution was was not accomplished. If not accomplished, inmate issued Request for Administrative Remedy Form. Inmate was advised to review Program Statement 1330.13, Administrative Remedy Program, to ensure compliance with filing procedures.

X Victor Calderon
Inmate Signature / Register Number

6/22/04
Date

K. Gaudin
Counselor Signature

6-22-04
Date

Section 2 - To be completed by the Counselor when inmate submits Request for Administrative Remedy Form.

6/22/04
Was issue discussed with the inmate YES / NO. If no, reason:

Were staff or departments noted in Administrative Remedy contacted YES / NO.

retaliated against: You are NOT being
If no, reason. If yes, response: You were put in for a transfer and the Region denied the request. Another request will be made in accordance with current policy.

Informal Resolution was / was not accomplished. If not accomplished, staff submitted Request for Administrative Remedy Form to Administrative Remedy Coordinator.

X Victor Calderon
Inmate Signature / Register Number

6/22/04
Date

K. Gaudin
Counselor Signature

6-22-04
Date

R. Blakely
Unit Manager Signature

6/22/04
Date

UNICOR FEDERAL PRISON INDUSTRIES, INC.
LEAVENWORTH, KANSAS - Phone (913) 682-8700 ext. 465

Exhibit D

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

| | | | |
|----------------------------------|---------------------|---------------------|-----------------------|
| From: Calderon, Victor | [#10246-067] | Pine B Lower | F.C.I. Beckley |
| LAST NAME, FIRST, MIDDLE INITIAL | REG. NO. | UNIT | INSTITUTION |


Part A- INMATE REQUEST

NOTICE: This is a written communication concerning retaliatory behavior, and grossly incompetent medical care of the condition of Victor Calderon's diabetes, high blood pressure, high cholesterol levels, daily back pain, recent heart attacks, and fear of death while being denied His U.S. Constitutional Rights. The Aggrieved Party, Victor Calderon, is coming in good faith to exhaust his administrative remedies to determine the nature and cause of this administrations abuse of committing criminal offenses under Lying and Covering up [18 U.S.C. § 1001]; Obstruction of Justice [18 U.S.C § 1505]; your B.O.P. Program Statement(s): 3420.09 Standards of Employee Conduct, page 6 Section 14, page 7 Section 15, page 9 Section 24, page 12 Section(s) 32, 33, and 35; BEC-6001.056 Medical Treatment, and also 5 CFR part 735 Employee Responsibilities and Conduct, Subpart (B) in order to administratively murder this Aggrieved Party should be self-evident to any outside observer. Any party of interest may controvert the statements and/or claims made in the attached **Affidavit of Truth**, by executing and delivering a verified response in **Affidavit Form**, within twenty (20) days. All parties may agree and admit to all statements and claims made in the Affidavit of Truth by TACIT PROCURATION by simply remaining silent. If no answer is given, or no emergency transfer is put forth, the answer will be presumed to be **"admit"**.

6/22/04 DATE


SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED
JUN 24 2004
BY: 

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Exhibit D

AFFIDAVIT OF TRUTH

| | | |
|---------------------|-------|-------------------------------|
| Raleigh county |) | Fiat Justitia, Ruat Coelum |
| |) ss. | Let Right Be Done, Though the |
| West Virginia state |) | Heaven Should Fail |

I, Victor Calderon, hereinafter your Affiant Victor Calderon, whose mailing location is; non-assumpsit/TDC: c/o F.C.I. Beckley, P.O. Box 350, Beaver, West Virginia [25813]-state that your Affiant is of legal age, competent to testify, have personal first hand knowledge and believe that the truths and facts herein are true, correct, complete, and not misleading.

[1] On or about March 30, 2004, within Raleigh county, West Virginia state, at F.C.I. Beckley, your Affiant presented an Inmate Request to Staff Form to Assistant Warden Engels, to obtain a copy of the January 29, 2004 BP-9, that your Affiant was forced to terminate. As of this day, Engels has failed or refused to present this evidence to your Affiant.

[2] On or about April 20, 2004, your Affiant presented an Inmate Request to Staff Form to J. Kirkland for clarification, based on her testimony and recommendation for an emergency transfer that she said was necessary. As of this day, J. Kirkland has failed or refused to present any documentation that will help your Affiant for an emergency transfer.

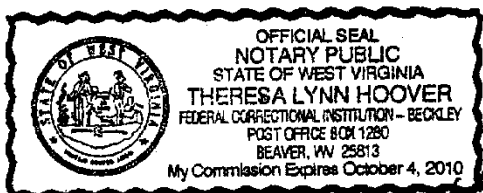
[3] On or about April 26, 2004, at approximately 7:00 am, your Affiant went to Health Services because of chest pains; from there, your Affiant was taken to an outside Hospital, chained from head to toe with a black box, while being in this medical emergency situation. Your Affiant was informed by the Heart Doctor that your Affiant is in need of an operation, based on the most recent heart attack that your Affiant suffered.

[4] Your Affiant is in need of mental preperation before any operation can occur; as the responsibility for securing medical care for prisoners' needs rests with the prison authorities, not some outside medical facility. Shortly thereafter, D. McLAIN and J. Kirkland threatened your Affiant with unprofessional behavior, and stated that your Affiant will never leave F.C.I. Beckley for an emergency transfer, because your Affiant would not get the operation done on the same day.

[5] On or about May 4, 2004, at approximately 11:30 am, after speaking with Pine B Upper Unit Manager B. Ballard about the retaliatory behavior of the medical staff and your Affiant's health situation, Warden Marty C. Anderson approached your Affiant by yelling that he didn't have one million (1,000,000.00) dollars to transport your Affiant to the Hospital and that no operation or medical treatment will occur.

Further Affiant Saith Naught.

Executed this 21st day of the June month, two thousand four



Victor Calderon
Victor Calderon, your Affiant [#10246-06]

Theresa L. Hoover

Exhibit A

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 24, 2004

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BECKLEY FCI

TO : VICTOR CALDERON, 10246-067
BECKLEY FCI UNT: PINE QTR: P06-201L
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 339271-5 ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : JUNE 24, 2004
SUBJECT 1 : MEDICAL CARE IMPROPER OR INADEQUATE
SUBJECT 2 : OTHER COMPLAINT AGAINST STAFF
INCIDENT RPT NO:

REJECT REASON: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-05) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.

REJECT REASON 2: SEE REMARKS.

REMARKS : DATES OF YOUR ISSUES ARE 03-04, 04-04, 04-04, 05-04; ALL ARE OUTSIDE YOUR TWENTY-DAY FILING PERIOD.

By: *Victor Calderon*
Date returned: *July 20, 2004*
INVOICE NO. 063004-001

BEC-1330.13d
February 20, 2004
Attachment AREQUEST FOR ADMINISTRATIVE REMEDY
INFORMAL RESOLUTION FORM
FCI BECKLEY, WEST VIRGINIA

Exhibit B

Section 1 - To be completed by the Unit Counselor at the time inmate request Administrative Remedy.

Inmate Name: Victor CalderonRegister Number: #10246-067Assigned Unit: PINE BLCounselor: CaferberryDate of Request: 6-16-04Date of Incident: ContinuousSpecific Complaint: Full investigation of Inadequate Medical Care

Informal Resolution was was not accomplished. If not accomplished, inmate issued Request for Administrative Remedy Form. Inmate was advised to review Program Statement 1330.13, Administrative Remedy Program, to ensure compliance with filing procedures.

X Victor Calderon
Inmate Signature / Register Number

6/22/04
Date

K. Caferberry
Counselor Signature

6-22-04
Date

Section 2 - To be completed by the Counselor when inmate submits Request for Administrative Remedy Form.

Date Submitted: 6-17-04Was issue discussed with the inmate YES NO. If no, reason: _____Were staff or departments noted in Administrative Remedy contacted: YES NO.If no, reason. If yes, response: Not eligible for Medical transfer

Informal Resolution was was not accomplished. If not accomplished, staff submitted Request for Administrative Remedy Form to Administrative Remedy Coordinator.

X Victor Calderon
Inmate Signature / Register Number

6/22/04
Date

K. Caferberry
Counselor Signature

6-22-04
Date

R. Blum
Unit Manager Signature

6/22/04
Date

Exhibit E

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JUNE 24, 2004

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BECKLEY FCI

TO: VICTOR CALDERON, 10246-067
BECKLEY FCI UNT: PINE QTR: P06-201L
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 339263-FI ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : JUNE 24, 2004
SUBJECT 1 : MEDICAL CARE - IMPROPER, OR INADEQUATE
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (PP-09) MUST BE RECEIVED W/ 20 DAYS OF THE EVENT COMPLAINED ABOUT.

REJECT REASON 2: SEE REMARKS.

REMARKS : TRANSFER DENIED. ISSUES NOTED IN REQUEST ARE 10-03, 01-04, 01-04, 01-04, 02-04; ALL ARE OUTSIDE YOUR TWENTY-DAY FILING PERIOD.

your offer and notice is hereby rejected for fraud, and returned to you for full accounting with Federal Civil Rule 3(b). Any further correspondence from inmates, agents, heirs, or assigns must be signed by a person with blue ink under penalty of perjury.

Date returned: July 17, 2004
By: Victor Calderon
Invoice No. 063004-00

AFFIDAVIT OF TRUTH

Exhibit C

Raleigh county

)

Fiat Justitia, Ruat Coelum

)

ss. Let Right Be Done, Though the
Heavens Should Fail

West Virginia state

)

I, Victor Calderon, hereinafter your Affiant Victor Calderon, whose mailing location is; non-assumpsit/TDC: c/o F.C.I. Beckley, P.O. Box 350, Beaver, West Virginia [25813]-state that your Affiant is of legal age, competent to testify, have personal first hand knowledge and believe that the truths and facts herein are true, correct, complete, and not misleading.

[1] On or about October 21, 2003, within Raleigh county, West Virginia state, at F.C.I. Beckley, at approximately 1:30 pm, your Affiant went to Health Services to be treated by P.A. Koby, who intentionally ignored your Affiant's serious medical needs of back pain, dizziness, and sickness, which led to continuous heart problems, high blood pressure, high cholesterol levels, and dizzy conditions posing a substantial risk of serious future harm.

[2] On or about January 15, 2004, your Affiant reported to Health Services for sick call to be treated by P.A. Blankenship, who was grossly incompetent to take an easier and less efficacious course of treatment for your Affiant's terrible back pain, and directed your Affiant to go to commissary and buy some pain medicine. Then at the same time, your Affiant was forced by the reckless indifference of P.A. Blankenship to take off your Affiant's shoes and socks and proceed to walk across the cold and dirty floor for no reason.

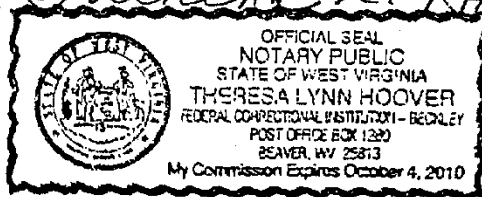
[3] On or about January 22, 2004, your Affiant went to Health Service once again to be treated by P.A. Blankenship, who refused to provide the essential care for your Affiant's trimming of His toenails that started to become ingrown because of your Affiant's diabetes. P.A. Blankenship became upset with an evil motive to tell your Affiant to get into an aerobics class and to get out of his office and if your Affiant would ever come back, P.A. Blankenship would write your Affiant up.

[4] On or about January 29, 2004, a Request for Administrative Remedy (BP-9) complaint was served on Counselor Canterbury for criminal activity done by P.A. Koby and P.A. Blankenship for use of official authority that is intentional, unjustified, brutal and offensive to human dignity.

[5] On or about February 17, 2004, at approximately 7:30 am, your Affiant was put on the call out for Health Services, to only be confronted by Assistant Warden Engels about the BP-9 complaint. Engels, through intimidation, retaliation, trickery and fraudulent statements, stated that if your Affiant would sign off on this complaint, she would knowingly and willfully put your Affiant in for and emergency transfer. Shortly thereafter, a recommendation for no transfer was put forth, and a management verible is in place at this day and time that will keep you Affiant in dangerous surroundings.

Further Affiant Saith Naught.

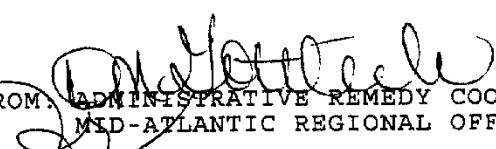
Executed this 21st day of the June month, two thousand four.



Victor Calderon
Victor Calderon, your Affiant [#10246-067]

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 13, 2004


FROM: ADMINISTRATIVE REMEDY COORDINATOR
MID-ATLANTIC REGIONAL OFFICE

TO : VICTOR CALDERON, 10246-067
BECKLEY FCI UNT: PINE QTR: P05-130L
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 339263-R1 REGIONAL APPEAL
DATE RECEIVED : JULY 9, 2004
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: SEE REMARKS.

REMARKS : WE ARE UPHOLDING THE INSTITUTION'S REJECTION.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: AUGUST 20, 2004

FROM: ADMINISTRATIVE REMEDY COORDINATOR
BOP CENTRAL OFFICE

TO : VICTOR CALDERON, 10246-067
BECKLEY FCI UNT: PINE QTR: P05-130L
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 339263-A2 CENTRAL OFFICE APPEAL
DATE RECEIVED : AUGUST 17, 2004
SUBJECT 1 : MEDICAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME INCLUDES MAIL TIME.

REJECT REASON 2: SEE REMARKS.

REMARKS : CONCUR WITH THE REGIONAL RESPONSE THAT APPEAL IS UNTIMELY

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

| | | | |
|----------------------------------|---------------------|---------------------|-----------------------|
| From: Calderon, Victor | [#10246-067] | Pine B Lower | F.C.I. Beckley |
| LAST NAME, FIRST, MIDDLE INITIAL | REG. NO. | UNIT | INSTITUTION |

Part A—REASON FOR APPEAL

NOTICE: This is a good faith notice to all parties of interest regarding clearly established evidence of crimes involving government employees and officials. The Undersigned, Victor Calderon presented Karen White, d.b.a. Regional Director with the proper proof of evidence with a petition of Request for Administrative Remedy (BP-9), received on July 9, 2004 C.E. Karen White and her agents have failed or refused to uphold the law and accept the request with exhibits for the investigation of fraudulent statements made by Sue Engles, d.b.a. Associate Warden of Operations, and the retaliatory behavior and medical negligence that is still continuing. As of this day, all parties are in dishonor and default of well established evidence, affidavits, and civil rights violations. **CAVEAT:** Any prior communication, written document, and the like by and between any party of interest and the Undersigned containing any mistake of the Undersigned is invalidated thereby and of no force and effect, and may not be relied upon by any party of interest against the Undersigned in this matter. The Undersigned reserves the right to present all attachments, exhibits, documents, endorsements schedules, files, medical evaluations, and medical treatments as a discovery for a civil or criminal proceeding. The Undersigned engages this process in good faith with firm assurance that you will act according to law and engage in resolution of this matter at hand.

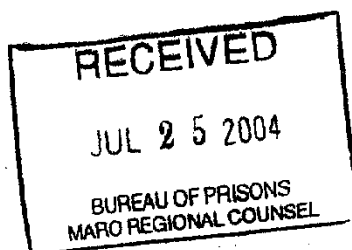
NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND VIZ A VIZ:

7/21/2004
DATE

cc: on file

Victor Calderon
SIGNATURE OF REQUESTER

Part B—RESPONSE



DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C—RECEIPT

CASE NUMBER: 339263 RI

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|----------------------------------|----------|-------|-------------|
| Return to: _____ | _____ | _____ | _____ |
| LAST NAME, FIRST, MIDDLE INITIAL | REG. NO. | UNIT | INSTITUTION |

SUBJECT: _____

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Calderon, Victor [/10246-067] Pine B Lower F.C.I. Beckley
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

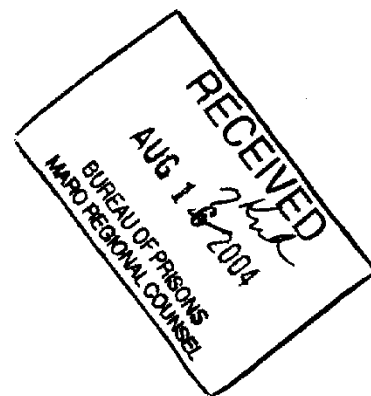
NOTICE: This Administrative Notice is not intended to threaten anyone, but is simply a means of invoking this administrative remedy coordinator's duty to act pursuant to your Program Statement(s) 3420.09, 1330.13 and 28 CFR § 542.10-19. This administration has raised the usual rejection notices, holding back BP-8 and BP-9 documents so that the time can run out, adding affidavit's to the Original Informal Resolution Form (BP-8) without the consent of the Undersigned, the full blown retaliation from Health Services and his Unit Team daily, and an avalanche of procedural gimmicks, while avoiding the issue of Kevin Canterbury, d.b.a. Counselor for Pine B Lower who has failed and refused to investigate the criminal activity of his fellow officers, or in the alternative, forward all documentation to the Attorney General, Federal Bureau of Investigations or any authority of the Military Departments (JAG) to investigate various crimes involving Government officers and employees of the Federal Correctional Institution Beckley, in Beaver West Virginia as evident in the BP-8 and BP-9, with Rejection Notice's attached hereto. The Undersigned is in a state of shock, frustration, embarrassment, loss of enjoyment, and emotional distress because of the cruel and unusual punishment given daily by staff members of this institution. This is the third stage for Karen M. White, d.b.a Regional Director to investigate this issue, and correct all officers and employees who willfully committed criminal acts against the victim and witness of criminal activity, the Undersigned Victor Calderon. **NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND VIZ A VIZ:**

cc: on file

DATE

SIGNATURE OF REQUESTER

Part B—RESPONSE



DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

Part C—RECEIPT

CASE NUMBER:

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DJR-9 and BP-DJR-10, including any attachments must be submitted with this appeal.

| | | | |
|----------------------------------|---------------------|---------------------|-----------------------|
| From: Calderon, Victor | [/10246-067] | Pine B Lower | F.C.I. Beckley |
| LAST NAME, FIRST, MIDDLE INITIAL | REG. NO. | UNIT | INSTITUTION |

Part A—REASON FOR APPEAL

NOTICE: This Administrative Notice is not intended to threaten anyone, but is simply a means of invoking this administrative remedy coordinator's duty to act pursuant to your Program Statement(3420.09, 1330.13 and 28 CFR § 542.10-19. This administration has raised the usual rejection notices, failing to provide sworn affidavit's, and an avalanche of procedural gimmicks, while avoiding the issue of fraudulent statements made by Sue Engles, d.b.a. Associate Warden of Operations and the retaliatory behavior and medical negligence that is still continuing, as evident in all BP-8's, BP-9's with Affidavit's, and BP-10, with Rejection Notice's attached hereto. The Undersigned is in a state of shock, frustration, embarrassment, loss of enjoyment, and emotional distress because of the cruel and unusual punishment, abuse of discretion, intentional denial of needed medical care, and the deliberate indifference to the medical needs of the Undersigned. This is the final stage for Harrell Watts, d.b.a. Administrator of National Inmate Appeals to investigate this issue, and correct all officers and employees who willfully committed criminal act against the victim and witness of criminal activity, the Undersigned Victor Calderon. **NOTICE TO AGENT IS NOTICE TO PRINCIPAL:**

8/12/04
DATE

CC: on file

Victor Calderon
SIGNATURE OF REQUESTER

Part B—RESPONSE

100 17 2004

| | |
|----------------------------|--------------------|
| DATE | GENERAL COUNSEL |
| ORIGINAL: RETURN TO INMATE | CASE NUMBER: _____ |

Part C—RECEIPT

CASE NUMBER: _____

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| Return to: _____ | REG. NO. _____ | UNIT _____ | INSTITUTION _____ |
| LAST NAME, FIRST, MIDDLE INITIAL | | | |

SUBJECT: _____

| | |
|------|---|
| DATE | SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL |
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BP-231(13)